

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SHANELL K. DUNCAN,

Plaintiff,

v.

ALVIN R. ALLEN, et al.,

Defendants.

CASE NO. 3:23-CV-5285-MJP

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

The Court, having reviewed the Report and Recommendation of Magistrate Judge David W. Christel, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) Defendants' Motion for Summary Judgment (Dkt. 73) is GRANTED. Plaintiff's constitutional claims of excessive force and deliberate indifference to a serious medical need are dismissed with prejudice and Plaintiff's state law claims are dismissed without prejudice.
- (3) The Clerk is directed to send copies of this Order to Plaintiff, counsel for Defendants, and to the Hon. David W. Christel.

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1 **DATED** this 3rd day of December, 2024.

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4 MARSHA J. PECHMAN
5 United States District Judge
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